



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF OCTOBER 28, 2002

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-176 Cassim v. Allstate Ins. Co., S109711. (B139975; 100 Cal.App.4th 776.)
Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: What is the proper standard of review for a trial court's order denying a motion for new trial based on alleged misconduct by counsel during closing argument in a civil action?

#02-177 In re Eldridge T., S109520. (A095878; 100 Cal.App.4th 726.) Petition for review after the Court of Appeal reversed an order in a wardship proceeding. This case presents the following issue: In light of the amendments made to Welfare and Institutions Code section 777 by the Gang Violence and Juvenile Crime Prevention Initiative (Prop. 21, Primary Elec. (Mar. 7, 2000)), does a juvenile court have the power under section 777 or 778 to modify the placement of a juvenile ward by imposing a more restrictive commitment if the juvenile has not violated probation or committed a new crime?

#02-178 Julian v. Hartford Underwriters Ins. Co., S109735. (B149088; 100 Cal.App.4th 811.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. The court limited review to the following issue: Was damage to property from a landslide caused by heavy rainfall covered under an "all-risk" policy despite policy exclusions for landslides and weather conditions contributing to landslides?

(over)

DISPOSITION

#01-86 People v. Hill, S097429, was dismissed and remanded to the Court of Appeal.

The following cases were transferred to the Court of Appeal for reconsideration in light of Myers v. Philip Morris Companies, Inc. (2002) 28 Cal.4th 828 and Naegele v. R.J. Reynolds Tobacco Co. (2001) 28 Cal.4th 856:

#01-66 Bowyer v. Philip Morris, Inc., S097441.

#02-18 Henley v. Philip Morris Inc., S102941.

#01-132 Reynolds v. Philip Morris, S099989.

#01-55 Souders v. Philip Morris Inc., S096570.

STATUS

#02-43 People v. Meloney, S103633. The court ordered the parties to include in their briefs a discussion concerning whether a trial court has discretion to lift a stay of a Penal Code section 12022.1 “on-bail” enhancement, and the effect, if any, of Penal Code section 1170.1, former subdivision (h), repealed effective January 1, 1998. (See Stats. 1997, ch. 750, § 9.)

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